



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

13 AUG 2012

MEMORANDUM

SUBJECT: Request for Approval and Funding for a Time-Critical Removal Action at the B&R Custom Chrome Site, Toledo, Lucas County, Ohio 43607 (Site ID # C5G7)

FROM: Jon J. Gulch, OSC
Emergency Response Section 2

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document your approval to expend up to \$317,036 to conduct a time-critical removal action at the abandoned B&R Custom Chrome Site (Site) located at 1672 Oakwood Avenue (AKA 1820 Clinton Avenue), Toledo, Ohio 43607. The proposed time-critical removal action will mitigate the threats from 3 aboveground storage tanks, at least 1 underground storage tank, 2 former plating tanks, 15 totes, 52 drums, 4 open transformers, 13 small containers and 5 cylinders, which were sampled and found to contain corrosive and toxic wastes, by securing, sampling, and arranging for off-site disposal. There are no nationally significant or precedent setting issues associated with the proposed response at this non-NPL Site.

This Action Memorandum serves as approval for expenditures by U.S. EPA (EPA), as the lead technical agency, to take actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the Site. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300.415.

II. SITE CONDITIONS AND BACKGROUND

Name: B&R Custom Chrome Site
Superfund Site ID (SSID): C5G7
CERCLIS Number: OHN000510757
Site Location: 1672 Oakwood Ave., Toledo, Ohio 43607
Lat/Long: 41.656354, -84.583191
Potentially Responsible Party (PRP): Deceased
NPL Status: Non NPL
Project Schedule: 15 working days
Category: CERCLA Time-Critical

A. Site Description

1. Removal Site evaluation

The Site is located at 1672 Oakwood Ave., Toledo, Ohio 43607. The current owner is the H&A Realty, Inc. (H&A Realty). The owners of H&A Realty reportedly are deceased, and the Site is in foreclosure.

The Site parcel was first identified for industrial land use in 1897. The Meilink Manufacturing Company, later known as the Meilink Steel Safe Company and Meilink Industries, reportedly manufactured steel safes and files at the Site from approximately the 1920s until the 1960s or 1970s. Meilink Industries was acquired by Fire King International, now known as Fire King Security Group, in 1990.

Title information for Site ownership prior to purchase by H&A Realty was not available at the time this report was prepared. One former renter, B&R Custom Chrome, operated an electrochemical plating business in the western portion of the former manufacturing building. B&R Custom Chrome reportedly was owned and operated by Art Smith, who also owned the former L&L plating shop in Toledo, Ohio.

On May 16, 2012, the western portion of the building was damaged by fire. The Toledo Fire Department responded and extinguished the fire at the Site.

On May 18, 2012, EPA mobilized an Emergency and Rapid Response Services (ERRS) contractor to the Site to install a temporary chain-link fence along the western perimeter of the fire-damaged portion of the former manufacturing building.

On May 24, 2012, legal representatives for Lucas County began foreclosure proceedings against H&A Realty for unpaid taxes and penalties associated with the Site. The City of Toledo obtained a warrant to access the Site for inspection and sampling activities.

On June 13, 2012, EPA mobilized to conduct a removal Site Assessment, including a Site inspection and sampling activities. During the assessment, EPA collected samples that showed drum BR-D-H₂SO₄ contained liquids with a pH of 2 standard units (SU), which according to

regulations at 40 CFR § 261.22, makes the waste hazardous for the characteristics of corrosivity. Vat BR-VAT1 contained liquids with a pH of 2 standard units (SU), which according to regulations at 40 CFR § 261.22, makes the waste hazardous for the characteristics of corrosivity. Vat BR-VAT1 contained sludge with a Toxic Characteristic Leaching Procedure (TCLP) cadmium at 10.5 mg/L, which exceeds the toxicity characteristic limit for cadmium of 1.0 mg/L, TCLP chromium at 535 mg/L, which exceeds the toxicity characteristic limit for chromium of 5.0 mg/L, and TCLP lead at 71.9 mg/L, which exceeds the toxicity characteristic limit for lead of 5.0 mg/L. Tank BR-UST1 contained liquids with a TCLP benzene at a concentration of 0.89 mg/L, which exceeds the toxicity characteristic limit for benzene of 0.5 mg/L, TCLP tetrachloroethene at 4.7 mg/L, which exceeds the toxicity characteristic limit for tetrachloroethene of 0.7 mg/L, and TCLP trichloroethene at 0.85 mg/L, which exceeds the toxicity characteristic limit for trichloroethene of 0.5 mg/L.

2. Physical location

The Site is located in an urban area (mixed industrial and residential) at 1672 Oakwood Avenue in Toledo, Lucas County, Ohio 43607 (Attachment 4). The Site coordinates are 41.6567 North latitude and 83.5833 West longitude. The Lucas County Auditor's Office identifies the Site as Parcel No. 1311694. The Site is occupied by a former manufacturing building approximately 71,470 square feet in area. The former manufacturing building is composed of approximately 10 interconnected structures of varying ages and conditions. The westernmost portion of the former manufacturing building is fire-damaged and partially demolished. The fire-damaged portion of the former manufacturing building is approximately 17,700 square feet in area and is secured by a temporary chain-link fence installed by EPA along the western perimeter. The nearest residence is located approximately 125 feet southwest of the Site. Attachment 5 shows the Site features map. The property is heavily vandalized, in general disrepair, open to the weather, and accessible to the public.

Located within 1-mile of the Site are six schools: Hale Elementary School, Academy of Business and Technology, Lincoln Academy for Boys, GESU Elementary, St. Francis de Sales High School, and St. Hyacinth Elementary School.

Located within 1-mile of the Site are five parks (all with playgrounds): Westmoreland Historic District Park, Scott Park, Smith Park, Hamilton Playground and Bass Playground.

Located within 1-mile of the Site are sixty-one churches, including five within 1,500 feet.

The area surrounding the Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern. This Site is in a census tract with a score of 2. Therefore, Region 5 does consider this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information (Attachment 2).

3. Site Characteristics

The wastes are unsecured, exposed to the elements, and can be accessed by anyone entering the Site. Many of the containers are open. The City of Toledo has requested EPA's assistance in addressing environmental hazards at the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

On June 13, 2012, EPA conducted a Site Assessment that found corrosive (40 CFR § 261.22) and toxic (40 CFR § 261.24) wastes at the Site. The Site is abandoned, open to the elements, and accessible to vandals, trespassers, and scarpers.

5. NPL status

The Site is not on the NPL.

6. Maps, pictures and other graphic representations

Attachments 4 and 5 show the location of the Site and a breakdown of the buildings.

B. Other Actions to Date

1. Previous actions

There have been no previous response actions at the Site.

2. Current actions

No current actions are being taken at the Site. The Site is abandoned.

C. State and Local Authorities' Roles

1. State and local actions to date

On May 16, 2012, the City of Toledo-Division of Environmental Services requested EPA assistance in assessing the Site and removing the hazards.

2. Potential for continued State/local response

Given the exigency of the situation neither the State nor Local governments have the funds to conduct a removal action.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Existing conditions at the Site present a substantial threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the National Contingency Plan (NCP), 40 CFR § 300.415(b)(2). These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

The Site is vacant and abandoned. The 55-gallon drums and small containers of corrosive (40 CFR § 261.22) and toxic (40 CFR § 261.24) wastes are open to the elements, trespassers, and vandals. During EPA's Site Assessment, evidence of vandalism and metal scrapping were documented. There is high risk of accidental release of uncontrolled hazardous or unknown wastes from the Site due to the deteriorated condition of the containers and the former manufacturing building, unrestricted Site access, and threat of fire as demonstrated by the fire damage to the western portion of the former manufacturing building on May 16, 2012. Uncontrolled wastes at the Site could be released to nearby soil and groundwater, the atmosphere, and the City of Toledo public storm water sewer system.

Within a 0.5-mile radius of the Site are 2,320 residential parcels, 510 commercial and industrial parcels, one day care center, and two elementary schools. The University of Toledo also is located approximately 1.3 miles west of the Site.

Despite the chain-link fence erected on May 18, 2012, access to the former manufacturing building is unrestricted because of an unlocked door at the southeastern corner of the Site. EPA attempted to padlock the door during the Site Assessment activities on June 13, 2012, but the door no longer fits within its frame and could not be completely closed.

On June 13, 2012, three employees of a metal scrapping contractor were observed working near unknown wastes and corrosive hazardous wastes inside the former manufacturing building. The metal scrapping contractors did not have PPE sufficient to protect them from all physical and chemical hazards documented at the Site. If metal scrapping activities continue at the Site, the workers may be at risk of exposure to hazardous wastes.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.

During the Site Assessment, hazardous or unknown wastes were documented in 52 drums, 3 ASTs, 1 UST, 1 vat, and numerous small containers inside the former manufacturing building. Many containers were in poor or damaged condition and exposed to the elements from the damaged and deteriorating condition of the former manufacturing building.

Estimated totals of containerized wastes include 150 gallons of corrosive (D002) hazardous wastes in drums; at least 560 gallons of corrosive (D002) plating solution in a former

electroplating vat containing hazardous concentrations of cadmium (D006), chromium (D007), and lead (D008); 473 gallons of used oil in drums and small containers; 1 cubic yard of suspected baghouse dust or other particulate solid waste in a super-sack; an unknown quantity of oily liquid in at least one UST containing hazardous concentrations of benzene (D018), tetrachloroethene (D039), and trichloroethene (D040); and approximately 7,400 gallons of other unregulated or unknown wastes.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

Several sections of roof and outer walls of the former manufacturing building are damaged. Weather conditions such as heavy rainfall, high winds, snow melt, and flooding may infiltrate the former manufacturing building and potentially further degrade waste containers or increase the likelihood of off-Site migration of hazardous wastes.

Threat of fire or explosion

The western portion of the former manufacturing building was damaged by fire on May 16, 2012. The local fire department extinguished the fire. The cause of the fire was not determined but was suspected to be arson. Additional fire damage to the former manufacturing building could result in a release of hazardous wastes at or from the Site.

The availability of other appropriate federal or state response mechanisms to respond to the release.

No other federal or state response mechanism is available to respond in a timely manner given the exigencies of the situation. The owners of H&A Realty reportedly are deceased, and the City of Toledo has initiated foreclosure of the Site property due to unpaid taxes and fines. The City of Toledo referred the Site to EPA due to the lack of a responsive potentially responsible party and lack of funds sufficient to properly characterize and dispose of wastes at the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Removal activities on Site will include:

- a) Develop and implement a Site Health and Safety Plan;
- b) Develop and implement a Work Plan; and
- c) Secure, characterize, remove, and properly dispose of the drums, containerized wastes, spilled waste materials, associated contaminated soil, and hazardous debris located at the Site in accordance with EPA's Off-Site Rule (40 CFR § 300.440).
- d) Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA OSC determines may pose an imminent and substantial endangerment to the public health or the environment.

All hazardous substances, pollutants, or contaminants removed off-Site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provisions of post-removal Site control consistent with the provisions of 40 C.F.R. § 300.415(l). Elimination of all threats presented hazardous substances in the buildings is, however, expected to eliminate the need for post-removal Site controls.

2. Contribution to remedial performance:

The proposed action will not impede future actions based on available information.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable

4. Applicable or relevant and appropriate requirements (ARARs)

State

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable considering the exigencies of the circumstances. On July 25, 2012, a letter was sent to Ohio EPA asking for State of Ohio ARARs that may apply.

Federal

Federal ARARs for this Site primarily include 40 CFR § 300.415(b)(2), which will address removal work at the Site; 40 CFR Part 260, which will address disposal of waste and 40 CFR § 300.440, which will address off Site shipment of waste.

5. Project Schedule

The project will require approximately 15 working days to complete.

The Detailed cleanup contractor cost is presented in Attachment 6 and the Independent Government Cost Estimate is presented in Attachment 3; estimated costs are summarized below:

B. Estimated Costs

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	
Cleanup Contractor Costs(Includes a 15 % contingency)	\$ 231,475
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START	\$ 32,722
Subtotal	\$ 264,197
Costs Contingency (20% of Subtotal)	\$ 52,839
TOTAL REMOVAL ACTION PROJECT CEILING	\$ 317,036

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III and IV above, actual or threatened release of hazardous substances and pollutants

or contaminants from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare or the environment by increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$545,305¹.

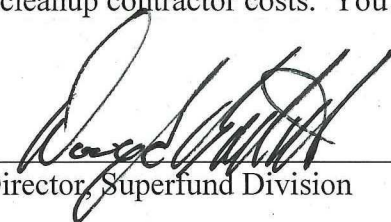
Direct Costs	+	Indirect Costs	=	Estimated EPA Costs
(\$317,036 + \$18,000)		(327,036 x 62.76%)		
\$ 335,036		\$ 210,269		\$545,305

IX. RECOMMENDATION

This decision document represents the selected removal action for the B&R Custom Chrome Site, Toledo, Lucas County, Ohio developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site (Attachment 1). Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal, and I recommend your approval of the removal action proposed in this Action Memorandum.

The total project ceiling if approved will be \$317,036 of which an estimated \$284,314 may be used for cleanup contractor costs. You may indicate your approval by signing below.

Approve:

for 

Director, Superfund Division

8/13/2012

Date

Disapprove:

Director, Superfund Division

Date

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of Site specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States right to cost recovery.

Enforcement Addendum

- Attachments
1. Administrative Record Index
 2. Region 5 EJ Analysis
 3. Independent Government Cost Estimate
 4. Site Location Map
 5. Site Layout Map
 6. Detailed Cleanup Contractor Costs

cc: S. Fielding, U.S. EPA 5202G, (fielding.sherry@epa.gov)
D. Valencia, U.S. Department of the Interior, (**w/o Enf. Attachment**),
(darby_valencia@ios.doi.gov)
L. Nelson, U.S. Department of the Interior, (**w/o Enf. Addendum**),
(Lindy_Nelson@ios.doi.gov)
Scott Nally, Director, Ohio EPA, (**w/o Enf. Addendum**)
(Scott.Nally@epa.state.oh.us)
Mike Dewine, Ohio Attorney General, (**w/o Enf. Addendum**)
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ENFORCEMENT ADDENDUM

B&R CUSTOM CHROME SITE
TOLEDO, OHIO

AUGUST 2012

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

FOIA EXEMPT

(REDACTED 3 PAGES)

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

ATTACHMENT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR B&R CUSTOM CHROME SITE TOLEDO, LUCAS COUNTY, OHIO

ORIGINAL
AUGUST 2012

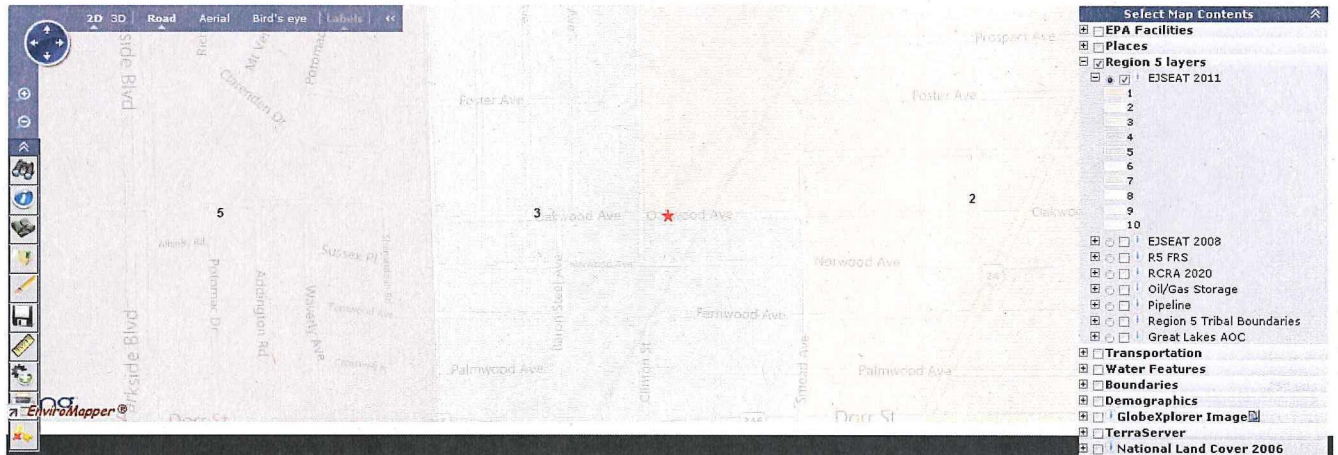
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	05/16/12	M. Tucker, City of Toledo	J. Gulch, U.S. EPA	Email: 1672 Oakwood Fire 5-16-12	1
2	05/17/12	T. Krueger, U.S. EPA	J. Gulch, U.S. EPA	Email re: 1672 Oakwood Fire 5-16-12	1
3	07/11/12	Weston Solutions	U.S. EPA	Site Assessment Report for the B&R Custom Chrome Site w/Cover Letter	55
4	07/25/12	J. Gulch, U.S. EPA	C. Weaver, Ohio EPA	Request for State ARARs	1
5	00/00/00			Action Memorandum: B&R Custom Chrome Site (PENDING)	

ATTACHMENT 2

EJ ANALYSIS FOR B&R CUSTOM CHROME SITE TOLEDO, OHIO AUGUST 2012

The area surrounding the Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern. This Site is in a census tract with a score of 2. Therefore, Region 5 does consider this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

Map Showing EJ SEAT Values For Surrounding Area



ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

**B&R CUSTOM CHROME SITE
TOLEDO, OHIO**

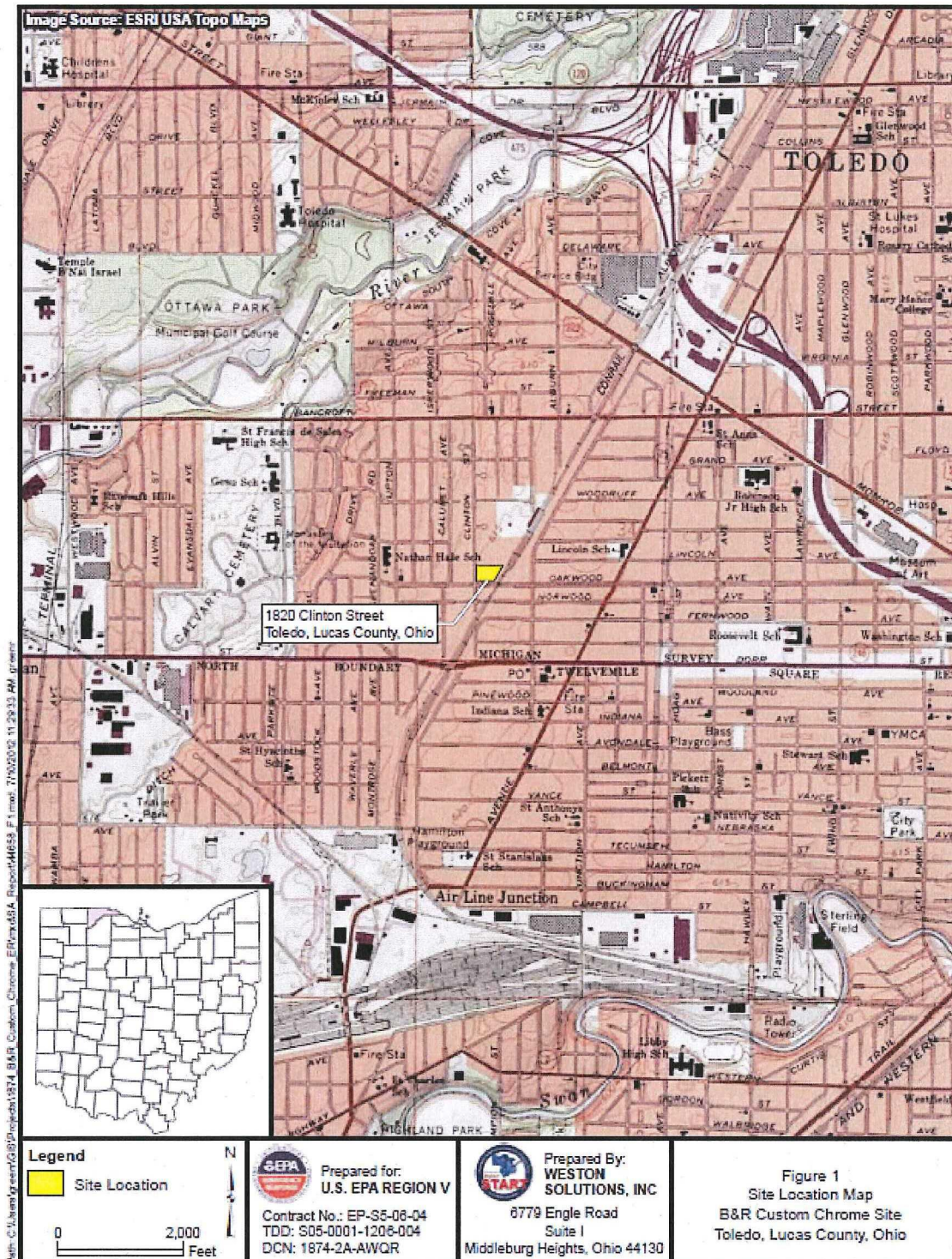
AUGUST 2012

(REDACTED 2 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

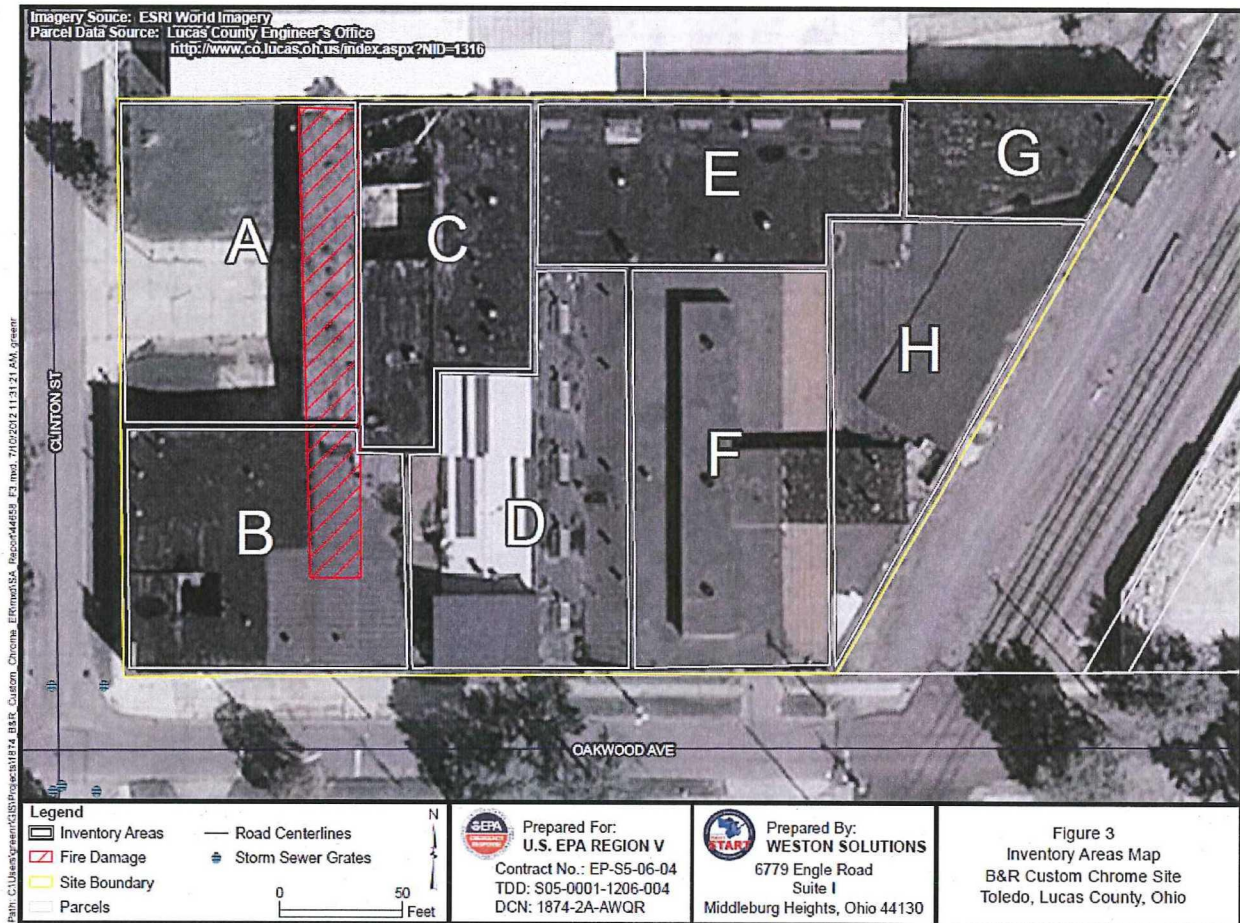
ATTACHMENT 4 SITE LOCATION MAP

**B&R CUSTOM CHROME SITE
TOLEDO, OHIO
AUGUST 2012**



ATTACHMENT 5
SITE LAYOUT MAP

B&R CUSTOM CHROME SITE
TOLEDO, OHIO
AUGUST 2012



**ATTACHMENT 6
DETAILED CLEANUP CONTRACTOR ESTIMATE
B&R CUSTOM CHROME SITE
TOLEDO, OHIO
AUGUST 2012**

The estimated cleanup contractor costs necessary to complete the removal action at the B&R Custom Chrome Site, Toledo, MI are as follows:

CONTRACTOR ESTIMATE

Personnel	\$ 62,133
Equipment	\$ 12,750
T & D	\$ 113,000
Miscellaneous	<u>\$ 13,400</u>
Sub-total	\$201,283
15% Contingency	\$ <u>30,192</u>
Total	\$231,475

START ESTIMATE

Site work (200 hrs @ \$125/hr)	\$25,000
Report writing and mob time (30 hrs @ \$125/hr)	\$3,750
Equipment	\$2,250
Per Diem & Lodging	\$1,722
Total	\$32,722

EPA ESTIMATE

Site Work (200 hrs @ \$90/hr)	\$18,000
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